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PATENT 06-n-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Richard E. Rothman) Examiner: TBA
Serial No. 09/940,860) Group Art Unit: TBA
Filed: August 29, 2001)
For: MOLECULAR DIAGNOSIS OF BACTERMIA) Atty. Dkt. No. 01107.00185

REQUEST FOR RESTARTING PERIOD FOR RESPONSE
AND A PARTIAL REFUND OF FEES PAID UNDER 37 CFR §1.26

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir:

A Notice to File Missing Parts of Nonprovisional Application ("the Notice") was mailed October 21, 2002. Applicants' attorneys never received it, however. Applicants' attorney learned of the Notice upon checking the PAIR information system on January 29, 2003. Patent and Trademark Office personnel were contacted by telephone, and an informal copy of the Notice was faxed to us on January 29, 2003. A copy of the notice with the identifying facsimile time and date stamp information is attached at Tab 1.

Applicants' attorneys' computer docketing system reflected no record of receipt of the Notice as of January 29, 2003. A copy of applicants' computerized docketing record is attached at Tab 2. Further, applicants' attorney's log of Patent and Trademark Office mail from October 21-November 7, 2002 shows no record of receipt of the Notice. The daily logs for this time period are attached at Tab 3.

Adjustment date: 06/11/2003 EEKUBAY1 09940860
05/22/2003 ZJUWAR1 00000071 190733
05 FC:2255 985.00 CR

09940860
06/11/2003 EEKUBAY1 00000002 190733
01 FC:1251 110.00 CH

Applicants responded to the Notice on May 21, 2003, paying a fee for five months of extension (\$985.00). A copy of the response is attached at Tab 4.

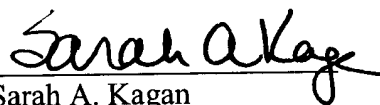
It is respectfully requested that the Patent and Trademark Office restart the time period for responding by redating the Notice so that its official mail date is no earlier than January 29, 2003. Such action is appropriate in view of applicants' failure to receive the mailed Notice of October 21, 2002, as evidenced by the computer docket system and the hand log systems of applicants' attorneys.

Applicants also request a refund of the fee for at least the last three months' extension fee (\$780). If the mail date of the Notice is re-adjusted, only a two-month extension would be required.

Please charge or credit our deposit account no. 19-0733 as appropriate.

Respectfully submitted,

By:


Sarah A. Kagan
Registration No. 32,141

Date: May 30, 2003

Customer No. 22907